

In the United States Court of Federal Claims

No. 23-727
Filed: August 22, 2023

DEKISTON BLACKWELL-KING, aka
DEKISTON RESHON BLACKWELL,

Plaintiff,

v.

THE UNITED STATES,

Defendant.

ORDER

When Plaintiff Dekiston Blackwell-King, aka Dekiston Reshon Blackwell, appearing pro se, filed his complaint, he filed an incomplete Motion for Leave to Proceed in forma pauperis (“IFP Motion”). ECF No. 2. This Court denied the IFP Motion because it omitted certain information required by statute. *See* ECF No. 9. The Court ordered Plaintiff to either pay the \$402.00 in required fees — a \$350.00 filing fee plus a \$52.00 administrative fee — or submit a complete IFP application by July 13, 2023. ECF No. 9. Plaintiff was notified that if he did not comply with this Court’s order, his complaint would be dismissed. *Id.*

Plaintiff failed to pay the filing fees or submit a complete IFP application by the deadline. Rule 41 states that “[i]f the plaintiff fails to prosecute or to comply with . . . a court order, the court may dismiss on its own motion . . . the action.” RCFC 41(b). Although the Court informed Plaintiff his complaint would be dismissed for failure to prosecute if he did not pay the requisite filing fees or submit a complete IFP application by the deadline, he did not comply with this Court’s Order. *See Claude E. Atkins Enters., Inc. v. United States*, 899 F.2d 1180, 1184 (Fed. Cir. 1990) (affirming dismissal under Rule 41(b) after plaintiff was “specifically warned” its complaint may be dismissed for failure to prosecute). Accordingly, as Plaintiff did not comply with this Court’s June 13, 2023 order, ECF No. 9, Plaintiff’s action is DISMISSED pursuant to Rule 41(b) for failure to prosecute. The Government’s unopposed motion to dismiss, ECF No. 10, is denied as moot. The Clerk’s Office is directed to enter judgment accordingly.

IT IS SO ORDERED.

s/ Edward H. Meyers
Edward H. Meyers
Judge